

1873.

REGULATIONS

UNDER WHICH

FREE GRANTS OF LAND

CAN BE ACQUIRED IN

BRITISH COLUMBIA.

UNDER the following Regulations and Ordinances, the Government of British Columbia are prepared to give Free Grants of vacant unsurveyed Crown Land, suitable for settlement and cultivation, and not being Mineral Land, to bona fide Settlers, in the following quantities and sections of the Province, viz :—

On the East Coast of Vancouver Island, between Chatham Point and Fort Rupert..... 160 acres.
In that part of the Province East of the Cascade range of Mountains 240 acres.
And intend setting aside Two Townships in the New Westminster District, for Free Grant locations of 160 acres, when Surveyed.

Regulations.

1. Before any person can be located for a Free Grant of land, he or she shall make affidavit, to be deposited with the Chief Commissioner of Lands and Works, that he or she has not been located for any land under the Free Grant sections or regulations of the "Land Amendment Act, 1873," and is not a pre-emptor or owner of land in the Province, and that he or she is of the age of eighteen years or upwards, and believes the land for which he or she applies or desires to be located, is suited for settlement and cultivation, and is not valuable chiefly for its mines or minerals, and is not acquired for the purpose of obtaining possession of or disposing of any timber growing or being on said land, and that such location is desired for his or her benefit and for the purpose of actual settlement and cultivation of such land, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever, nor for the purpose of any gold, silver, copper, lead, iron, or other mines or minerals, or any quarry or bed of stone, marble, or gypsum thereon.

2. Any person making application for a Free Grant shall, if required, procure an affidavit from such person as can make the same, stating that the land is vacant, and that no person has resided upon it for the last six months.

3. No person shall be entitled to hold land in the Province under the Pre-emption and Free Grant Acts at the same time; and any subsequent pre-emption record by the locatee, shall be considered as an act of forfeiture of any rights acquired under the Free Grant Clauses of the Act of 1873; and the locating of a Free Grant shall be construed as an act of forfeiture of any pre-emption rights acquired under any of the Land Ordinances or Proclamations in the Province.

4. An Alien shall be entitled to locate a Free Grant under the same conditions as a British subject, upon signing a declaration, before the Commissioner of the District, or a Justice of the Peace, of his or her intention to become a British subject; but in the event of such Alien not completing his or her naturalization at as early a period as the law admits, that he or she shall forfeit all rights acquired.

5. No Crown grant shall issue for any land located under this Act or under said regulations, until the expiration of three years from the date of such location, nor unless, nor until the locatee or those claiming under him or her, or some of them, shall have performed the following settlement duties, that is to say:—shall have cleared and have under cultivation at least twenty acres of the said land, whereof at least five acres shall be cleared and cultivated annually during the three years next after the date of the location, to be computed from such date, and have built a house thereon fit for habitation, at least sixteen feet by twenty feet, and shall have actually and continuously resided upon and cultivated the said land for the term of three years next succeeding the date of such location, and from thence up to the issue of the Crown grant, except that the locatee shall be allowed one month from the date of the location to enter upon and occupy the land, and that absence from the said land for in all not more than six months during any one year (to be computed from the date of the location) shall not be held to be a cessation of such residence, provided such land be cultivated as aforesaid.

6. On failure in performance of the settlement duties aforesaid, the location shall be forfeited, and all rights of the locatee, or of any one claiming under him or her, in the land, shall cease.

7. Proof of actual settlement and cultivation shall be made by declaration, under the "Oaths Ordinance, 1869," by the claimant and two settlers in the neighbourhood, before the Commissioner or a Justice of the Peace.

8. In case it is proved, to the satisfaction of the Chief Commissioner of Lands and Works, that the settler has voluntarily relinquished his claim, or has been absent from the land located by him for more than six months in any one year, or has not made the improvements required by law, then the right to such land shall be forfeited, and the settler so relinquishing or abandoning his claim shall not be permitted to be located again for a Free Grant.

9. Neither the locatee, nor any one claiming under him or her, shall have power to alienate (otherwise than by devise) or to mortgage or pledge any land located as aforesaid, or any right or interest therein before the issue of the Crown Grant.

10. All assignments and transfers of Free Grant rights before the issue of the Crown Grant shall be null and void, and shall be deemed evidence of abandonment of the right, and the person so assigning or transferring, shall not be permitted to again locate a Free Grant.

11. All Free Grants must be staked off with stakes or posts, at least four inches square, and standing not less than four feet above the surface; and one such stake shall be placed at each angle of the claim. Any tree may be used for a post, provided that it be cut down and squared as aforesaid. No such boundary post shall be removed without the permission of the Commissioner of the District wherein the land lies. Upon each post, a notice in the following form shall be affixed:—

"A. B's land N. E. post" (meaning North-east post); "A. B's land N. W. post" (meaning North-west post); and so on, as the case may be;

and shall measure West of the Cascades 40 by 40 chains, and East of the Cascades 80 by 40 chains.

12. All lines shall run due North and South, and due East and West, and all locatees or claimants under this Ordinance must comply, in all cases, with the official survey when made.

13. A locatee of a Free Grant on unsurveyed land shall, after the official survey has been made, and within three months after a copy of the map of said land has been deposited in his District, and public notice thereof given in the *British Columbia Gazette*, make application to be located for the quarter section, or quarter section and portion of adjoining quarter section, as the case may be, in which the land upon which he has resided, and which he has improved, may be. In case of disputed ownership the Chief Commissioner of Lands and Works shall determine the respective rights of the adverse claimants, according to priority of record and priority of settlement, and the fact of such settlement may be shewn by actual occupation of and improvements made on the land in dispute.

14. Any locatee shall, at any time after official survey and prior to the expiration of the term of occupation required by the "Land Ordinance Amendment Act, 1873," have the right or privilege, should he or she so desire it, of applying for and obtaining a Crown Grant of the land included in the Free Grant location, in the same manner as if the said land had been pre-empted in the first instance, upon payment, however, for the land, at the upset price fixed for pre-emption claims, and upon fulfilling the conditions applicable to pre-emption claims.

15. No land located as aforesaid, nor any interest therein, shall in any event be or become liable to the satisfaction of any debt or liability contracted or incurred by the locatee, his widow, heirs, or devisees, before the issuing of the Crown Grant for such land. After the issuing of the Crown Grant for any such land, and while such land or any part thereof, or any interest therein, is owned by the locatee, or his widow, heirs, or devisees, such land, part, or interest shall, during twenty years next after the date of such location, be exempt from attachment, levy under execution, or sale for payment of debts, and shall not be or become liable to the satisfaction of any debt or liability contracted or incurred before or during that period, save and except any debt secured by a valid mortgage or pledge of such land made subsequently to the issuing of the Crown Grant therefor.

16. Nothing in these Regulations shall be construed to exempt any land from levy or sale for rates or taxes, now or hereafter legally imposed.

17. Every Crown Grant to be issued for any land located as aforesaid, shall state in the body thereof, the name of the original locatee of the said land, and the date of the location, and that the said Crown Grant is issued under the authority of the "Land Ordinance Amendment Act, 1873."

18. Every location shall be recorded at the Land Office in the District, following the rules of record as to pre-emptions.

19. The Chief Commissioner of Lands and Works shall have power to cancel any Free Grant record, upon proof satisfactory to him that any of the above stipulations have not been complied with.

20. The provisions of the "Land Ordinance, 1870," and the "Land Ordinance Amendment Act, 1873," to be complied with, together with the above regulations.